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CASE PC/4-32528A

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF

CHEN ET AL.

APPLICATION NO: 10/517,874

FILED: DECEMBER 13, 2004

FOR: CALCIUM SALTS OF INDOLE DERIVED STATINS

MS: Amendment

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

AMENDMENT

Sir:

In response to the Office Action mailed September 30, 2005, the period to respond having been extended three months to March 30, 2006, Applicants submit the following remarks for consideration.

Information Disclosure Statement

Applicants have resubmitted the IDS filed on 6/3/04 and Applicants have included copies of the WO 02/36563 A1 and EP 0 547 000 B1 for the Examiner's consideration.

Issue Under 35 U.S.C. §103(a)

Claims 1-14 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Kathawala '772 (USP 5,354,772) and Ekwuribe '692 (USP 6,479,692). Applicants submit patentable distinctions exist between the cited prior art and the present invention.

Distinctions Between the Present Invention and Kathawala '772 and Ekwuribe '692

The present invention provides calcium salts of indole derived statins of the formula